

**In The United States District Court  
For The District of Wyoming**

---

FIRSTMARK CONSTRUCTION, LLC, a  
Montana Limited Liability Company,  
individually and in the name of the  
UNITED STATES OF AMERICA  
for the use of FIRSTMARK  
CONSTRUCTION, LLC

Plaintiff,

vs.

MOUNTAIN CONSTRUCTION  
COMPANY, a Wyoming Corporation, and  
EMPLOYERS MUTUAL CASUALTY  
COMPANY, an Iowa Corporation,

Defendants.

MOUNTAIN CONSTRUCTION COMPANY,  
A Wyoming Corporation,

Counter-Claimant and Third-Party  
Plaintiff,

vs.

FIRSTMARK CONSTRUCTION, LLC, a  
Montana Limited Liability Company; and  
FIDELITY AND DEPOSIT COMPANY  
OF MARYLAND, an Illinois Corporation,

Counter-Defendant and Third-Party  
Defendant

Civil No. 20-CV-97-F

---

**STIPULATION OF DISMISSAL WITH PREJUDICE**

---

**IT IS HEREBY STIPUALTED AND AGREED**, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), that all claims asserted in all parties' pleadings are hereby dismissed with prejudice, with each party to bear its own attorneys' fees and costs.

DATED THIS 21<sup>st</sup> day of January 2022.

/s/ Colin M. Simpson  
Colin M. Simpson, WSB #5-2312  
Larry B. Jones, WSB #5-1847  
BURG SIMPSON ELDREDGE  
HERSH & JARDINE, P.C.  
1135 14<sup>th</sup> Street  
Cody, WY 82414  
Telephone: (307) 527-7891  
Fax: (307) 527-7897  
[csimpson@burgsimpson.com](mailto:csimpson@burgsimpson.com)  
[ljones@burgsimpson.com](mailto:ljones@burgsimpson.com)

Attorneys for Defendant/Third-Party  
Plaintiff Mountain Construction  
Company and Defendant Employers  
Mutual Casualty Company

/s/ Andrew P. Reitman  
Andrew P. Reitman, WSB #7-5946  
Michael N. DiCanio (*pro hac vice*)  
HALL & EVANS, LLC  
1001 17<sup>th</sup> Street, Ste. 30  
Denver, CO 80202  
Telephone: (303) 628-3300  
Fax: (303) 628-3368  
[reitmana@hallevans.com](mailto:reitmana@hallevans.com)  
[dicaniom@hallevans.com](mailto:dicaniom@hallevans.com)

Attorneys for Plaintiff FirstMark  
Construction, LLC and Third-Party Defendant  
Fidelity and Deposit Company of Maryland